

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 180 OF 2024

Rajesh Keshavrao Kshatriya	...Applicant
VS.	
The State of Maharashtra	...Respondent

Mr. Ritesh Thobde a/w. Ms. Ankita P. Pai a/w. Changdev Shingade, for the Applicant
Mr.S.R. Agarkar, APP, for the Respondent/State.
PI Sudarshan Waghmare, EOW Nashik (Rural) present.

CORAM : N. J. JAMADAR, J.
DATE : MARCH 26, 2024

P.C.:

1. Heard the learned counsel for the applicant and the learned APP for the State.
2. By an order dated 6th February, 2024, this Court had granted interim bail observing, *inter alia*, that by an order dated 29th June, 2022, this Court had granted pre-arrest bail to co-accused Gautam Bafna. The Court had noted that initially the applicant was proposed to be examined as a witness for the prosecution and subsequently the applicant has been arraigned as an accused.
3. While releasing the co-accused Gautam Bafna, this Court had observed, *inter alia*, as under:

“3. In the backdrop of the aforesaid nature of the allegations, by an order dated 11th February, 2022, this Court was persuaded to grant interim pre-arrest bail. It

was noted that, prima facie, the allegations against the applicant were that, the applicant had not taken proper steps to recover the bad debts. It did not appear that the applicant was either involved in sanctioning or disbursing of the loans or a beneficiary of those fraudulent advances.

4. The learned counsel for the applicant submitted that the role attributed to the applicant is, at the highest, of dereliction of duty to recover bad debts. The investigation has not revealed that the applicant is either beneficiary of the fraudulent transaction or any amount has been credited to the account of the applicant for allegedly being complicit in not diligently pursuing the recovery.

5. The learned APP, on instructions, fairly submitted that the investigation has not revealed that the applicant is the beneficiary of the fraud. Nor it has been revealed that the applicant has acquired properties out of the money which was allegedly siphoned off. In fact, the report reveals that the applicant had availed a loan of Rs.3 lakhs and repaid the same. The statements of Rajesh Kshatriya and Ratnakar Khaire, which were pressed into service, by the learned APP, also do not contain any incriminating material to warrant custodial interrogation of the applicant necessary for effective investigation”.

4. The learned counsel for the applicant submitted that the aforesaid reasons, which weighed with this Court, in releasing Gautam Bafna on pre-arrest bail, apply to the case of the applicant as well.

5. Mr. Agarkar, the learned APP submitted that the only difference would be that of the position of the applicant.

The applicant was the director of the society.

6. However, the reasons which weighed with this Court viz. the fact that the role attributed to the applicant, appears to be the dereliction of duty to recover bad debts and it is not the case that the applicant is either beneficiary of the fraudulent transaction or any amount has been credited to the account of the applicant for allegedly being complicit in not diligently pursuing the recovery, apply with equal force to claim of the applicant. Charge-sheet has been lodged and the investigation is complete. Thus, I am inclined to make the interim relief absolute.

7. Hence, the following order.

ORDER

I) The order of interim bail dated 6th February, 2024 is made absolute on the terms and conditions incorporated therein.

II) In addition, the applicant shall regularly attend the proceedings before the jurisdictional Court.

Application disposed.

(N. J. JAMADAR, J.)